

REMARKS

Oath/Declaration

It is asked that the requirement to provide a new oath or declaration in this case be waived in view of a special circumstance. The inventor, Jacques Alain Déverin, died on December 8, 2002. A copy of the Death Certificate is enclosed herewith as proof of the special circumstance. Therefore, waiver of the requirement is respectfully sought.

Drawings

Pursuant to the Office Action requirement, the designation "PRIOR ART" is added to FIG. 1 of the drawings as indicated on the attached replacement sheet.

The slidable prisms described at original paragraph 10 and recited in Claim 3 are now shown in proposed new drawing FIGS. 3A and 3B. Reference to the proposed new drawing figures has been added to original paragraph [0012] (BRIEF DESCRIPTION OF THE DRAWINGS) and is also provided in a new paragraph [0028]. The use of slidable prisms for optical switchers was disclosed in the application as filed and thus FIGS. 3A and 3B contain no new matter. Failure to show the subject matter of Claim 12 is now moot in view of the cancellation of Claim 12. Entry of the drawing amendments is respectfully requested.

Specification

The particular objections to the specification have been addressed by suitable amendment as suggested by the Examiner. In addition, a substantial portion of the SUMMARY has been moved to the DETAILED DESCRIPTION to overcome the objection that the SUMMARY is too long.. Removal of the objections is kindly requested.

Claim Rejections - 35 USC 112

Claims 3 and 5 are rejected under 35 USC 112 for lack of enablement. It is respectfully urged that an embodiment using slidable prisms as optical switchers would be readily grasped by one of ordinary skill in the optical arts. All that is required is a rhomboid prism of opposite orientation for the opposite channel to overcome the problem mentioned in the Office Action. In fact, the necessary prism orientation for the opposite channel is already clear from the rotatable prism embodiment. One of ordinary skill in optical instruments would intuitively recognize this arrangement, as now explicitly shown in Fig. 3A and 3B, is necessary for a slidable optical switcher. Accordingly, favorable reconsideration of Claims 3 and 5 is respectfully requested.

Claims 1-12 are rejected under 35 USC 112, second paragraph, as being indefinite. The rejection is overcome in part by amendment, and traversed in part.

Claim 1 has been amended to refer to first and second beam splitters throughout the claim to cure the antecedent basis defect mentioned in the Office Action.

Regarding Claim 7, the relationship among the optical switchers, imaging module, and display module is respectfully considered to be clear in view of the specification and Fig. 2. In particular, prisms 4 and 5 are oppositely arranged in FIG. 2 so that prism 4 connects imaging module 2 to the left channel and prism 5 connects display module 3 to the right channel. Prisms 4 and 5 are mounted on a rotatable shaft 6 such that when the shaft 6 is rotated through 180 degrees to connect imaging module 2 to the right channel, the display module 3 is necessarily connected to the left channel. See original paragraphs [0017] and [0027]. It is impossible, in the embodiment of FIG. 2, to connect both modules to the same channel (left or right) because the switchers (prisms 4 and 5) are coupled to one another such that when one prism is rotated by 180 degrees the other is also rotated by 180 degrees. Accordingly, the embodiment of FIG. 2 provides an example of how the first and second optical switchers can be coupled to one another in such a way that the imaging module and the display module cannot be connected simultaneously to the same channel. In view of this, the relationship recited in Claim 7 is thought to be clear.

Reconsideration and removal of the rejection of Claims 1-12 under 35 USC 112 is respectfully requested.

Objection to Claim 12

The objection to Claim 12 is now moot in view of the cancellation of Claim 12. Removal of the objection is now appropriate.

Allowable Subject Matter

The Examiner's indication of allowable subject matter is acknowledged with thanks. The amendment of Claim 1, the above explanation regarding Claim 7, and the cancellation of Claim 12 render Claims 1-2, 4, and 6-11 allowable.

Claims 3 and 5, which depend from Claim 1, are also directed to allowable subject matter. Based on the comments and amendments provided above, Claims 3 and 5 are respectfully considered to be allowable.

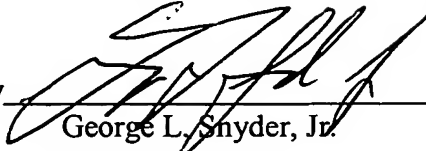
Conclusion

The present application is thought to be in a condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner has any questions, the undersigned attorney may be contacted at the number provided below.

Appl. No. 10/081,833
Amendment and Response to Office Action
Reply to Office Action of September 17, 2003

Respectfully submitted,

HODGSON RUSS LLP

By 
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Enclosures: Petition for One Month Extension
Two Sheets Drawing
Death Certificate

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DATED: January 16, 2004

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